

Chimicles & Tikellis LLP

ATTORNEYS AT LAW

Conference adjourned to 9/24/08
at 9:15 a.m. See Court's
rules regarding the filing of
motions.

One Haverford Centre
361 West Lancaster Avenue
Haverford, PA 19041
Telephone: (610) 642.8500
Telecopier: (610) 649.3633
E-mail: Mail@Chimicles.com

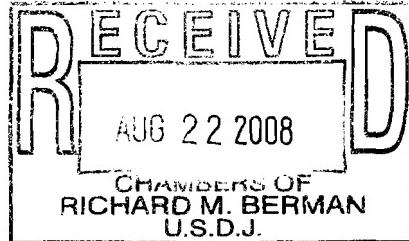
Writer's Direct E-mail:
JGS@Chimicles.com

Nicholas E. Chimicles
Pamela S. Tikellis *
Robert J. Kriner, Jr. *
Steven A. Schwartz
Kimberly M. Donaldson
Joseph G. Sauder
Daniel B. Scott
Kimberly Litman Kimmel
Timothy N. Mathews
A. Zachary Naylor
Benjamin F. Johns
Scott M. Tucker *
Meghan A. Adams
Tiffany J. Cramer
Kimberly A. Sanders
Alison R. Gabe
Matthew D. Schelkopf

SO ORDERED:
Date: 8/22/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

August 21, 2008
VIA UPS DELIVERY



Honorable Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
40 Centre Street, Courtroom 706
New York, NY 10007

OF COUNSEL
Morris M. Shuster
Denise Davis Schwartzman
Anthony Allen Geyelin
David M. Maser

Re: *Hammond, et al v. Bank of New York Mellon Corporation, et al,*
Docket No. 1:08-cv-06060-RMB

Dear Judge Berman:

MEMO ENDORSED

Along with my co-counsel, I represent Tom Hammond, William H. Wicks, and Linda Young, plaintiffs in the above captioned matter. On July 8, 2008, we received a facsimile from Your Honor's Chambers regarding an initial pre-trial conference that is scheduled for September 2 at 9:00 a.m. in Courtroom 21D. I am writing to respectfully request that Your Honor adjourn this conference to a later date.

A similar case was filed against The Bank of New York Mellon Corporation ("BNY Mellon") in the United States District Court for the Southern District of Florida on June 9, 2008. *Walsh v. The Bank of New York Mellon Corporation*, Docket No. 9:08-cv-80616-KLR. In an effort to efficiently combine that case with the *Hammond* case pending in this Court, plaintiffs' counsel voluntarily dismissed the *Walsh* case on August 8. Plaintiffs' Counsel in the *Hammond* case and *Walsh* case anticipate that they will file an amended complaint in the *Hammond* case that will incorporate the plaintiffs and claims in *Walsh*. However, I respectfully request that the September 2 conference be rescheduled to a later date so

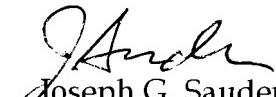
WILMINGTON OFFICE
One Rodney Square
P.O. Box 1035
Wilmington, DE 19800
Telephone: (302) 656.2500
Telecopier: (302) 656.9053

Honorable Richard M. Berman
August 21, 2008
Page 2

that it can include plaintiffs' counsel from both the *Hammond* and *Walsh* cases.

Counsel for the *Hammond* and *Walsh* plaintiffs have conferred with counsel for Defendant BNY Mellon, who do not oppose adjourning the conference to a later date. Plaintiffs' counsel in the *Hammond* and *Walsh* cases, and counsel for BNY Mellon are all available on September 8, 17, 24, and 25. The undersigned respectfully requests that Your Honor reschedule the initial pre-trial conference for one of those dates, or for another date that is convenient to the Court. We understand that BNY Mellon plans to request permission to move to dismiss the proposed Amended Complaint. Plaintiffs' counsel will be prepared to discuss a proposed briefing schedule at the conference, and anticipate suggesting that BNY Mellon be provided with thirty (30) days to respond to the Amended Complaint once it is filed.

Respectfully submitted,



Joseph G. Sauder
(admitted *pro hac vice*)

cc: Judith S. Scolnick, Esq., Counsel for the *Hammond* Plaintiffs
Benjamin F. Johns Esq., Counsel for the *Hammond* Plaintiffs
Christopher G. Hayes, Esq., Counsel for the *Hammond* Plaintiffs
Stephen L. Ratner, Esq., Counsel for Defendant BNY Mellon
Douglas C. Rennie, Esq., Counsel for Defendant BNY Mellon
Margaret A. Dale, Esq., Counsel for Defendant BNY Mellon
Matthew H. Triggs, Esq., Counsel for Defendant BNY Mellon
Christopher T. McRae, Esq., Counsel for the *Walsh* Plaintiff
David J. Metcalf, Esq., Counsel for the *Walsh* Plaintiff
James S. Myers, Esq., Counsel for the *Walsh* Plaintiff
Richard Coffman, Esq., Counsel for the *Walsh* Plaintiff
John R. Wylie, Esq., Counsel for the *Walsh* Plaintiff

(all by electronic mail and U.S. Mail)